

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b>
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b>
<b>KEVIN GUPTON, a/k/a "Kevin Gubton"</b>	<b>:</b>	<b>VIOLATION:</b>
	<b>:</b>	<b>18 U.S.C. § 922(g)(1) (possession of a firearm by a felon – 2 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 924(a)(1)(A) (making false statements to a federal firearms licensee – 2 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
	<b>:</b>	<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

*2018 SF*  
On or about September 20, 2019, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**KEVIN GUPTON,  
a/k/a "Kevin Gubton,**

knowing he had previously been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, at least one of the following firearms: a Glock GMBH, model 30S, .45 caliber semi-automatic pistol, bearing serial number BCYP245; a Taurus, model G2S, 9mm semi-automatic pistol, bearing serial number TLT64166; a Taurus, model G2C, 9mm semi-automatic pistol, bearing serial number TLS20217; and a Smith & Wesson, model SD9VE, 9mm semi-automatic pistol, bearing serial number FZY2150, and those firearms were in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about September 21, <sup>2018 SF</sup>~~2019~~, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KEVIN GUPTON,  
a/k/a "Kevin Gubton,**

knowing he had previously been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, that is, at least one of the following firearms: a Glock GMHB, model 30S, .45 caliber semi-automatic pistol, bearing serial number BCYN021; a Glock GHBM, model 27, .40 caliber semi-automatic pistol, bearing serial number BCTD501; a Taurus, model G2C, 9mm semi-automatic pistol, bearing serial number TLT03869; and a Taurus, model G2C, 9mm semi-automatic pistol, bearing serial number TLT03896, and those firearms were in and affecting interstate and foreign commerce.

In violation of Title 18, United States Code, Section 922(g)(1).

**COUNTS THREE AND FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

At all times material to this indictment:

1. Frank's Gun Shop & Shooting Range, LLC., located at 4730 Blakiston Street in Philadelphia, Pennsylvania, possessed a federal firearms license ("FFL") and is authorized to deal in firearms under federal laws.
2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.
3. The rules and regulations governing FFL holders require that a person seeking to purchase a handgun fill out a Firearm Transaction Record, ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. Question 11.a. of the Form 4473 requires that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she was the actual buyer of the firearm. The Form 4473 contains the following language in bold type: **"Warning: You are not the actual buyer if you are acquiring the firearm(s) on behalf of another person. If you are not the actual buyer, the dealer cannot transfer the firearm(s) to you."** In the certification section of the Form 4473, the actual buyer must certify that his or her answers to the questions on the form are "true, correct, and complete," and acknowledge by his or her signature that "making any false oral or written statement . . . is a crime punishable as a felony under Federal law, and may also violate State and/or local law."

4. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, to ensure that the person was not prohibited from purchasing a firearm. For example, convicted felons are persons prohibited by law from buying firearms.

5. Defendant KEVIN GUPTON was barred from legally purchasing and possessing a firearm because he had previously been convicted of a felony crime for which he could be punished by more than one year of imprisonment.

6. Defendant KEVIN GUPTON persuaded Morgan Hanna Johnson, charged elsewhere, to buy firearms for defendant GUPTON, supplied Morgan Hanna Johnson the cash to buy the firearms, took Morgan Hanna Johnson to the federally licensed firearms dealer, directed Morgan Hanna Johnson to buy firearms specified by defendant GUPTON; and took immediate possession of the firearms and paperwork after Morgan Hanna Johnson bought them for defendant GUPTON.

7. A person who purchases a firearm at the behest of another person and falsely states on the Form 4473 that he or she is the actual buyer of the firearm is known as a “straw purchaser.”

8. On or about the dates listed below, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**KEVIN GUPTON,  
a/k/a “Kevin Gubton,**

in connection with the acquisition of each of the firearms listed below from the FFL holder listed below, knowingly aided and abetted and willfully caused the making of a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18,

United States Code, to be kept in the FFL holder's records, in that, at the direction of defendant GUPTON, Morgan Hannah Johnson (the "straw purchaser"), falsely certified on the Form 4473 that she was the actual buyer of the firearms listed on the Form 4473, when in fact, as she and defendant GUPTON knew, this statement was false and fictitious in that they knew Morgan Hannah Johnson was actually purchasing the firearms for defendant GUPTON (each falsely certified form constituting a separate count of this Indictment).

Count	Date	FFL Location	Firearm	Serial Number
THREE	September 20, 2018	Frank's Gun Shop	Glock GMBH, Model 30S, .45 caliber semi-automatic pistol;	BCYP245
			Taurus, Model G2C, 9mm semi-automatic pistol;	TLS20217
			Taurus, Model G2S, 9mm semi-automatic pistol; and	TLT64166
			Smith & Wesson, Model SD9VE, 9mm semi-automatic pistol	FZY2150

FOUR	September 21, 2018	Frank's Gun Shop	Glock GMBH, Model 30S, .45 caliber semi- automatic pistol;	BCYN021
			Glock GMBH, Model 27, .40 caliber semi- automatic pistol;	BCTD501
			Taurus, Model G2C, 9mm semi- automatic pistol; and	TLT03869
			Taurus, Model G2C, 9mm semi- automatic pistol	TLT03896

All in violation of Title 18, United States Code, Sections 924(a)(1)(A) and 2.

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(1)(A), set forth in this Indictment, defendant

**KEVIN GUPTON,  
a/k/a “Kevin Gubton,”**

shall forfeit to the United States of America, the firearms involved in the commission of this offense, including, but not limited to:

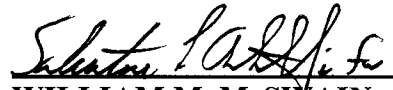
- (1) a Glock GMBH, model 30S, .45 caliber semi-automatic pistol, bearing serial number BCYP245;
- (2) a Taurus, model G2S, 9mm semi-automatic pistol, bearing serial number TLT64166;
- (3) a Taurus, model G2C, 9mm semi-automatic pistol, bearing serial number TLS20217;
- (4) a Smith & Wesson, model SD9VE, 9mm semi-automatic pistol, bearing serial number FZY2150
- (5) a Glock GMHB, model 30S, .45 caliber semi-automatic pistol, bearing serial number BCYN021;
- (6) a Glock GHBM, model 27, .40 caliber semi-automatic pistol, bearing serial number BCTD501;
- (7) a Taurus, model G2C, 9mm semi-automatic pistol, bearing serial number TLT03869; and
- (8) a Taurus, model G2C, 9mm semi-automatic pistol, bearing serial number TLT03896.



All pursuant to Title 28, United States Code, Section 2461(c), and Title 18,  
United States Code, Section 924(d).



**GRAND JURY FOREPERSON**

  
**WILLIAM M. McSWAIN**  
*United States Attorney*

No. \_\_\_\_\_

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**UNITED STATES DISTRICT COURT**

Eastern District of Pennsylvania

Criminal Division

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**THE UNITED STATES OF AMERICA**

vs.

**KEVIN GUPTON**  
**a/k/a "Kevin Gubton"**

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**INDICTMENT**

**Counts**

**18 U.S.C. § 922(g)(1) (possession of a firearm by a felon – 2 counts)**  
**18 U.S.C. § 924(a)(1)(A) (making false statements to a federal firearms licensee – 2 counts)**

**18 U.S.C. § 2 (aiding and abetting)**

**Notice of forfeiture**

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Filed in open court this \_\_\_\_\_ day,  
Of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

\_\_\_\_\_  
Clerk

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Bail, \$ \_\_\_\_\_

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